



IT IS ORDERED as set forth below:

Date: July 6, 2023

A handwritten signature in black ink that reads "Paul W. Bonapfel".

Paul W. Bonapfel
U.S. Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
(ROME)

IN RE:)	CASE NO. 23-40527-pwb
BIANCO TOBIAS BENTON)	CHAPTER 13
)	
Debtor.)	JUDGE BONAPFEL
)	
IMAJN Services, LLC dba Sparrow as agent))	
for SN GEORGIA, LLC)	
)	
Movant)	CONTESTED MATTER
v.)	
)	
BIANCO TOBIAS BENTON, Debtor,)	
K. EDWARD SAFIR, Trustee,)	
)	
Respondents.)	
)	

**ORDER DENYING MOTION FOR RELIEF FROM STAY WITH STRICT
COMPLIANCE**

This matter came before the Court on Movant's Motion for Relief from Stay [Doc. No. 21], as filed on May 13, 2023. A hearing was scheduled on Movant's Motion on June 21, 2023.

Movant and Debtor resolved the Motion by evidencing their consent to terms contained herein, as further announced at the hearing on the Motion.

Movant is a landlord/creditor pursuant to a Residential Lease Agreement dated December 27, 2021, at a rate of \$1,890.00 per month (hereinafter, the “Lease”). The Lease is executed by Bianco T. Benton, relative to certain property known as 165 Parkmont Court, Dallas, Paulding County, GA 30132, (hereinafter, the “Property”). A true and correct copy of the Lease was attached to the Motion and incorporated herein by reference.

The Debtor failed to timely remit rent under the terms of the Lease for non-payment of rent in the amount of \$26,137.65, including a post-filing default for failure to pay rent for the month of May 2023; as a result, Movant sought relief from the automatic stay.

Debtor desires to remain in possession of the Property and to otherwise abide by the terms and obligations of the Lease. Therefore, the Court orders as follows:

IT IS HEREBY ORDERED that the Motion for Relief from Stay with respect to the Property is denied, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter.

IT IS FURTHER ORDERED that the post-petition arrearage through June 2023 totals \$4,916.83, representing rent, late fees, and utilities. This arrearage shall be paid as follows: by Debtor on or before June 26, 2023.

IT IS FURTHER ORDERED that all payments tendered by Debtor to Movant shall be made in certified funds. Payments must be received at Movant’s office, as located at 7702 E. Doubletree Ranch Road, Suite 150, Scottsdale, AZ 85258 or to such address as may be later designated and addressed to the attention of

Carolina Dyer. Failure to tender the above-described payment shall entitle Movant to an order lifting the stay to allow it to pursue its state law remedies as to the Property upon a sworn affidavit of Movant's counsel without further hearing.

IT IS FURTHER ORDERED that Debtor will resume strict compliance with the Lease, including as to the monthly rental payments and utilities due thereunder beginning July 1, 2023. Should Debtor default on the payments of the arrearage payments referenced above and/or the regular rental payments which come due according to the Lease for a period through December 31, 2023, then upon notice of default sent by first class mail to Debtor and Debtor's attorney to the respective addresses that appear on the attached distribution list and failure of Debtor to cure such default within five (5) days from the date of receipt of such notice by sending payment to such address that Movant directs in its Notice of Default, Movant may file a motion and affidavit of default with the Court, with service upon Debtor and Debtor's attorney, and the Court may enter an Order lifting the automatic stay under §§362(a),(d) without further notice or hearing.

[END OF DOCUMENT]

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